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1940 DUKE STREET  
ALEXANDRIA VA 22314

**MAILED**

JUN 14 2010

**OFFICE OF PETITIONS**

In re Patent No. 7,592,477 : DECISION ON REQUEST  
Swinnen et al. : FOR  
Issue Date: September 22, 2009 : RECONSIDERATION OF  
Application No. 10/501,344 : PATENT TERM ADJUSTMENT  
Filed: January 26, 2005 : and  
Atty Docket No. 255452US0PCT : NOTICE OF INTENT TO ISSUE  
: CERTIFICATE OF CORRECTION

This is a decision on the petition filed on November 20, 2009, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by nine hundred and twenty-two (922) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by nine hundred and twenty-three (923) days is **GRANTED to the extent indicated herein.**

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

As the period from the filing date of the request for continued examination (RCE) to the issue date of the patent is not included in the "B" delay period, the over three year period begins on July 30, 2007<sup>1</sup> (not July 29, 2007) and ends on February

<sup>1</sup> This is an international application for which the B delay is calculated based on the date of national stage commencement. See 1.702(b). The

3, 2009, the day before the RCE was filed (not February 4, 2009, the day on which the RCE was filed), which amounts to 555 (not 554) days. See U.S.C. 154(b)(1)(B)(i). Considering the agreed period of overlap of 110 days, the patent term adjustment is increased by 445 days to 923, not 922 days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **nine hundred and twenty-three (923) days**.

Telephone inquiries specific to this matter should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.



Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

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priority date of this application is January 29, 2002. As the requirements for early commencement were not met, the national stage commenced in this application on July 29, 2004.

UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

PATENT : 7,592,477 B2

DATED : September 22, 2009

DRAFT

INVENTOR(S) : Swinnen et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[\*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 478 days

Delete the phrase "by 478 days" and insert – by 923 days--